In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 1772 of 2005

Date of decision : December 21, 2007

Naranjan Kaur and another

... Petitioners

versus

State of Punjab and another

... Respondents

Crl. Misc. No. 58921-M of 2005

Maninder Pal Kaur

... Petitioner

versus

Gurcharan Singh and others

... Respondents

Coram: Hon'ble Mr. Justice A.N. Jindal

Present: Mr. S.S. Sodhi, Advocate
for the petitioner in Crl. Rev. No. 1772 of 2005.
Mr. Harsh Aggarwal, Advocate
for the petitioner in Crl. Misc. No. 58921-M of 2005 and
for the respondent in Crl. Rev. No. 1772 of 2005.
Mr. A.K. Walia, Advocate
for the respondents No.1, 3 and 4 in
Crl. Misc. No. 58921-M of 2005.
Mr. Satish Bhanot, Sr. DAG, Punjab.

A.N. Jindal, J

This order of mine will dispose of Crl. Revision No. 1772 of 2005 filed by Naranjan Kaur and Crl. Misc. No. 58921-M of 2005 filed by Maninder Pal Kaur, against the order dated 4.7.2005 passed by the learned Additional Sessions Judge (Fast Track Court), Sangrur, vide which the revision petition preferred by Maninder Pal Kaur-complainant has been partly allowed and out of the seven accused, two accused namely Naranjan Kaur and Kuldeep Singh were ordered to be summoned under Section 498-A/406 IPC, whereas complaint against the remaining accused i.e. Ajit Singh, Gurcharan Singh, Pritpal Singh, Baljinder Kaur and Surinder Kaur was dismissed.

The facts in the background of the case are that, on registration of a case against the aforesaid accused-respondents (hereinafter referred to as 'the respondents'), charge report under Section 173 Cr.P.C. was submitted only against Baljeet Singh under Section 406/498-A IPC. After recording statement of the complainant and on the application under Section 319 Cr.P.C. by the State, the trial court refused to summon the remaining accused. However, the learned Additional Sessions Judge (Fast Track Court) Sangrur, vide its order dated 4.7.2005 partly accepted the revision petition and ordered Naranjan Kaur (mother-in-law) and Kuldeep Singh (brother-in-law) to face trial. Now the revision petitioners namely Naranjan Kaur and Kuldeep Singh have filed separate revision petition for quashing the aforesaid order, whereas, the complainant Maninder Pal Kaur-complainant has also filed criminal miscellaneous petition for modification of the aforesaid order for directing the issuance of process against the remaining accused.

As regards the quashing petition filed by the complainant for summoning the respondents Ajit Singh, Pritpal Singh, Baljinder Kaur and Surinder Kaur is concerned, Ajit Singh and Surinder Kaur are husband and wife and are living separately, so as Pritpal Singh and Baljinder Kaur. A tendency is developing to abuse the process of law by impleading all the members of the family and anxiety of the complainant is also to throw the net wider and to have vengeance of her broken marriage, therefore, the trial court was right in declining to summon the aforesaid respondents i.e. Ajit Singh, Pritpal Singh, Baljinder Kaur and Surinder Kaur. Even otherwise, the complainant has already tried her luck before the revisional court. This second revision petition being not maintainable is brought to the court by instrumenting the provisions of Section 482 Cr.P.C. therefore, I am not inclined to interfere as legality of the said order has already been considered by the learned Additional Sessions Judge (Fast Track Court), Sangrur.

Now coming to the petitioners, who were ordered to be summoned under Section 319 Cr.P.C., it may be observed that the trial court has passed a reasoned order; since her husband went missing, therefore, it was obvious for a wife to lodge a complaint about his missing, but later on, while coming to know about the clever tactics adopted by the accused and

her husband, pursuant to which she was made to stay in a separate house in Tripri, Patiala on 5.1.2003 and thereafter her husband also left her to an undisclosed place shows the conspiracy angle also, which has been overlooked by the Deputy Superintendent of Police. The transfer of property standing in the name of Baljeet Singh was effected in favour of the respondent Kuldeep Singh on 28.1.2003 also indicates the mischief and connivance on their part. The other aspect highlighting the connivance of Kuldeep Singh and Naranjan Kaur in the commission of the crime in a planned manner is highlighted from the fact that the couple resided with the respondents Naranjan Kaur and Kuldeep Singh since October, 2002 to 4.1.2003 and they were made to live separate for a month or so and thereafter, her husband left for an undisclosed place within a short span of time. Thus, in order to remove the curtain and to reach the truth regarding culpability and involvement of these two petitioners, the trial court was justified in issuing the process against them to face trial along with Baljeet Singh.

Consequently, finding no merit in both the petitions, the same are hereby dismissed.

December 21, 2007 (A.N. Jindal)
deepak Judge

To be referred to reporter: Yes/No.